

### **REMARKS/ARGUMENTS**

The Office Action mailed February 16, 2006, rejected claims 1-3, 5-15 and 17-23; and objected to claims 4 and 16. By this amendment, Applicants amend claims 1, 7, 11 and 22; cancel claims 4 and 16; and add new claims 24 and 25. Support for the amendments is found in the specification, and no new matter is added. As such, claims 1-3, 5-15 and 17-25 remain pending in the application.

Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references. In view of the following remarks, reconsideration and withdrawal of the outstanding objections and rejections are respectfully requested.

### **CLAIM OBJECTIONS**

In the Office Action, claim 1 was objected to because the claim recited the limitation "the processing unit" in line 9. Thus, the claim has been amended to provide sufficient antecedent basis for this limitation in the claim.

Claim 11 was objected to because the claim recited the limitations "the processing means" in lines 9-10 and "or having" in line 11. Thus, the claim has been amended to provide sufficient antecedent basis for the limitation "the processing means" in the claim and to delete the limitation "or having."

No new matter has been added, and support for the amendments is found in the specification. Thus, withdrawal of the objection is respectfully requested.

### **ALLOWABLE SUBJECT MATTER**

Applicants wish to thank the Examiner for her indication that claims 4 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Office Action further provided a statement of reasons for the indication of allowable subject matter.

In accordance with the statement of reasons for the indication of allowable subject matter, independent claim 1 has been amended to include the portion of the subject matter of claim 4 regarding the feature of a suction assembly to apply a pressure to the cavity resonator to secure the cavity resonator to the measurement sample, and is thus believed to be in condition for allowance. Applicants' claims 2-3 and 5-10 depend from independent claim 1, and thus are believed to be patentable over the cited art for at least the reasons that independent claim 1 is allowable.

In addition, in accordance with the statement of reasons for the indication of allowable subject matter, independent claim 11 has been amended to include the portion of the subject matter of claim 16 regarding the feature of suction means for applying a pressure to the resonating means to secure the exposed side of the resonating means to the measurement sample, and is thus believed to be in condition for allowance. Applicants' claims 12-15 and 17-21 depend from independent claim 11, and thus are believed to be patentable over the cited art for at least the reasons that independent claim 11 is allowable.

Therefore, at least for these reasons, Applicants respectfully request that the rejections of claims 1-3, 5-15 and 17-21 be withdrawn. Applicants respectfully submit that these claims are allowable.

### **CLAIM REJECTIONS – 35 U.S.C. § 102 and 103**

The Office Action rejected claim 22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,989,675 to Kesil *et al.* (hereinafter referred to as “Kesil”). In addition, claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kesil in view of U.S. Patent No. 6,184,694 to Anderson *et al.* (hereinafter referred to as “Anderson”).

Applicants’ independent claim 22 has been amended to include additional subject matter similar to the allowable subject matter of claim 4, and is thus believed to be in condition for allowance. Applicants’ claims 23-25 depend from independent claim 22, and thus are believed to be patentable over the cited art for at least the reasons that independent claim 22 is believed to be allowable.

Therefore, at least for these reasons, Applicants respectfully request that the rejection of claim 22 under 35 U.S.C. § 102(e) as being anticipated by Kesil and the rejection of claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Kesil in view of Anderson be withdrawn. In light of the amendments and these remarks, Applicants respectfully submit that all of the pending claims are allowable.

### **CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request all the objections and rejections to the claims be removed, and all of the pending claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1567 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

Docket No. 05165.1280  
Serial No.: 10/759,246  
Customer No. 30734

Patent

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Also, please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 05165.1280.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in black ink, appearing to read 'Dana L. Christensen', with a large, sweeping loop at the end.

Dana L. Christensen  
Reg. No. 54,035

Date: May 16, 2006  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5304  
Telephone: 202-861-1500  
Facsimile: 202-861-1783